

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SANTOS PETER MURILLO,

Defendant-Petitioner,

v.

UNITED STATES OF AMERICA,

Plaintiff-Respondent.

NO. 2:20-cv-00484-JLR
(2:16-cr-00113)

**UNITED STATES' MOTION FOR AN
EXTENSION OF TIME TO
RESPOND TO PETITIONER'S
MOTION TO AMEND**

NOTE ON MOTION CALENDAR:
Friday, July 31, 2020

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Charlene Koski, Assistant United States Attorney, respectfully seeks a one-week extension to file its response to Defendant-Petitioner Santos Peter Murillo's Motion to Amend his habeas motion. Dkt. 19.¹ On March 27, 2020, Murillo filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Dkt. 1. On April 13, 2020, this Court entered an order directing the United States to file an answer to Murillo's habeas motion. Dkt. 7. On May 27, 2020, the government filed its answer brief. Dkt. 13. On June 12, 2020, Murillo moved for an extension of time to file his reply. Dkt. 18. In the alternative, Murillo asked this Court for leave to file an amended Section 2255 motion under Federal Rule of Civil Procedure 15. Dkt. 18 at 2-3. Three days later, he submitted through legal mail a motion to amend. Dkt. 19 at 1, 88. On June 22, 2020, this Court entered onto the docket Murillo's motion to amend. On June 30, 2020, this Court

¹ Unless otherwise indicated, "Dkt." refers to docket entry numbers in this case.

1 granted Murillo's request for an extension of time and deferred the question of an evidentiary
 2 hearing. Dkt. 20 at 2-3. The order provided that Murillo should file a responsive brief by
 3 August 3, 2020, and that the government should file any reply by August 7, 2020. Dkt. 20.
 4 On July 4, 2020, this Court entered into the docket a memorandum of law Murillo had
 5 submitted along with his motion to amend. Dkt. 21.

6 Based on language in Murillo's motion for an extension of time, the government
 7 believed Murillo sought to amend his habeas motion as a form of alternative relief if this Court
 8 denied his motion for an extension, and that his memorandum of law constituted his reply to
 9 the government's response. After conferring with this Court's chambers, however, the
 10 government understands that this Court considers Murillo's motion to amend and its
 11 memorandum of law as an additional separate request. Because the government would like
 12 an opportunity to respond to Murillo's motion, and because, except for the government's
 13 misunderstanding, its response would have been due July 10, 2020, the government
 14 respectfully asks this court for a one-week extension, to July 17, 2020. Its response to Murillo's
 15 motion is being submitted in conjunction with this motion.

16 Dated this 17th day of July, 2020.

17 Respectfully submitted,

18 BRIAN T. MORAN
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NO. 2:20-cv-00484-JLR
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**ORDER GRANTING UNITED
STATES' MOTION FOR AN
EXTENSION OF TIME TO
RESPOND TO PETITIONER'S
MOTION TO AMEND**

The Court, having reviewed the Motion of the United States for an Extension of Time to Respond to Petitioner's Motion to Amend, hereby states: IT IS HEREBY ORDERED that the Motion is GRANTED. The United States may file its Response to Defendant-Petitioner Santos Peter Murillo's Motion to Amend by July 17, 2020.

DATED this 22nd day of July, 2020.



JAMES L. ROBART
United States District Court Judge

Presented by:

/s/ Charlene Koski
CHARLENE KOSKI
Assistant United States Attorney

**ORDER GRANTING UNITED STATES' MOTION FOR EXTENTION OF
TIME TO FILE RESPONSE TO MOTION TO AMEND**
Murillo v. United States, 2:20-cv-484-JLR